

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

ROBERT DENARD POLLARD,

Petitioner,

v.

CIVIL ACTION NO. 5:18-cv-01209

D.L. YOUNG, Warden, FCI Beckley,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending is the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1]. Also pending is the Respondent's Motion to Dismiss [Doc. 12]. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R on December 11, 2019 [Doc. 16]. Magistrate Judge Eifert recommended that the Court grant the Motion to Dismiss and dismiss the Petition.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*."). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a

magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 30, 2019. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 16**], **GRANTS** the Motion to Dismiss [**Doc. 12**], **DISMISSES** the Petition for Habeas Corpus Pursuant to 28 U.S.C. § 2241 [**Doc. 1**], and **ORDERS** that this case be removed from the Court's docket.

The Court directs the Clerk to transmit a copy of this Memorandum Opinion and Order to any counsel of record and any unrepresented party herein.

ENTERED: May 13, 2020



Frank W. Volk
Frank W. Volk
United States District Judge